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OFFICE OF PETITIONS

In re Application of

Buehl et al.

Application No. 10/054,719

Filed: January 18, 2002

Attorney Docket No. 43314/236950

DECISION GRANTING
PETITION

This is a decision on the petition filed March 6, 2002, to accord the above-identified application a filing date of January 18, 2002.

On January 18, 2002, the application was filed.

On February 27, 2002, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of drawings.

In response, the present petition was filed alleging that four sheets of drawings were deposited on January 18, 2002. In support, petitioner has submitted a postcard receipt which acknowledges receipt of "No. of Drawings Sheets 4" on January 18, 2002.¹ Petitioner has also submitted a copy of the missing documentation- 4 sheets of drawings.

Upon review of the record, the drawings, deposited on January 18, 2002, have not been located. However, the evidence is convincing that the application papers deposited on January 18, 2002 included four sheets of drawings, and that the drawings were subsequently misplaced in the PTO. Therefore, the application is complete and entitled to a filing date of January 18, 2002.

In view of the above, the petition is **granted**. The copy of the drawings submitted with the petition will be used for examination purposes.

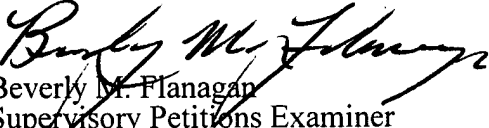
No petition fee is required and none has been charged. However, \$130 has been charged to the deposit account since the filing fee was paid on a date after the filing date assigned to the application.

The Notice mailed February 27, 2002, was sent in error and is hereby vacated to the extent that it indicated drawings were missing and that a filing date had not been assigned.

¹ Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 18, 2002, using the application papers filed on January 18, 2002 and the copy of four sheets of drawings filed on March 6, 2002.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


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for Patent Examination Policy